IN THE WESTERN STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

JOANNE CICALA INSCORE,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 1:13-CV-712 JRN
	§	
KIRBY McINERNEY LLP, RANDALL K.	§	
BERGER, DANIEL HUME, PETER S.	§	
LINDEN, IRA PRESS, and DAVID E.	§	
KOVEL,	§	
	§	
Defendants.	§	

PLAINTIFF'S NOTICE OF DISMISSAL

TO THE HONORABLE COURT:

Plaintiff Joanne Cicala Inscore files her Notice of Dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

- 1. Plaintiff is Joanne Cicala Inscore ("Plaintiff" or "Cicala"). Defendants are Kirby McInerney, LLP, Randall K. Berger, Daniel Hume, Peter S. Linden, Ira Press, and David E. Kovel ("Defendants").
- 2. On August 14, 2013, Plaintiff filed her Original Petition against Defendants in the 274th Judicial District Court of Hays County, Texas, Cause No. 13-1732. On August 16, 2013, Defendants filed their Notice of Removal.
- 3. Defendants have not been served with process and have not served or filed an answer or a motion for summary judgment.

4. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2.

- 5. A receiver has not been appointed in this case.
- 6. This case is not governed by any federal statute that requires a court order for dismissal of this case.
- 7. Plaintiff has not previously dismissed any federal or state-court suit based on or including the same claims as those presented in this case.
 - 8. This dismissal is without prejudice to its refiling.

Dated: September 13, 2013

Respectfully submitted,

WEISBART SPRINGER HAYES LLP

212 Lavaca Street, Suite 200 Austin, Texas 78701 512.652.5780 512.682.2074 fax

By: /s/ Geoffrey D. Weisbart

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record herein by way of:
 U.S. Mail, First Class Certified Mail Facsimile Federal Express Hand Delivery ECF (electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants)
on this 13 th day of September, 2013, to wit:
Leslie C. Thorne State Bar No. 24046974 J. Iris Gibson State Bar No. 24037571 HAYES AND BOONE, L.L.P. 600 Congress Avenue, Suite 1300 Austin, Texas 78701 512.867.8400 512.867.8470 fax
/s/ Geoffrey D. Weisbart Geoffrey D. Weisbart